

**COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515**

**STATEMENT OF
THE HONORABLE ENI F.H. FALEOMAVAEGA
CHAIRMAN**

**before the
SUBCOMMITTEE ON ASIA, THE PACIFIC AND THE
GLOBAL ENVIRONMENT**

**“Crimes Against Humanity: When Will Indonesia’s Military Be Held Accountable for
Deliberate and Systematic Abuses in West Papua?”**

September 22, 2010

To my knowledge, today’s hearing is historic. This hearing is the first hearing ever held in the U.S. Congress that gives voice to the people of West Papua.

Since 1969, the people of West Papua have been deliberately and systematically subjected to slow-motion genocide by Indonesian military forces yet Indonesia declares that the issue is an internal matter while the U.S. Department of State “recognizes and respects the territorial integrity of Indonesia.” The truth is, this is no issue of territorial integrity or an internal matter, and the record is clear on this point.

West Papua was a former Dutch colony for some 100 years just as East Timor was a former Portuguese colony just as Indonesia was a former colony of the Netherlands. Because of its status as a former colony, East Timor achieved its independence from Indonesia in 2002 through a referendum sanctioned by the United Nations (UN), despite Indonesia’s serious objections over East Timor’s right to self-determination.

In contrast, in 1962 the United States pressured the Dutch to turn over control of West Papua to the United Nations. Under the U.S.-brokered deal, Indonesia was to “make arrangements with the assistance and participation of the United Nations” to give Papuans an opportunity to determine whether they wished to become part of Indonesia or not.

In what became known as the Act of No Choice carried out in 1969, 1025 West Papua elders under heavy military surveillance were selected to vote on behalf of 809,327 West Papuans regarding the territory’s political status. In spite of serious violations of the UN Charter and no broad-based referendum, West Papua was forced to become a part of Indonesia by the barrel of a gun.

According to the Congressional Research Service (CRS), "declassified documents released in July 2004 indicate that the United States supported Indonesia's take-over of Papua in the lead up to the 1969 Act of Free Choice even as it was understood that such a move was likely unpopular with Papuans. The documents reportedly indicate that the United States estimated that between 85% and 90% of Papuans were opposed to Indonesian rule and that as a result the Indonesians were incapable of winning an open referendum at the time of Papua's transition from Dutch colonial rule. Such steps were evidently considered necessary to maintain the support of Suharto's Indonesia during the Cold War."

Bluntly put, in exchange for Suharto's anti-communist stance, the United States expended the hopes and dreams and lives of some 100,000 Papuans who consequently died as a result of Indonesian military rule. Although some challenge this estimate it is an indisputable fact that Indonesia has deliberately and systematically committed crimes against humanity and has yet to be held accountable.

While I have expressed my concern that there is strong indication that the Indonesian government has committed genocide against the Papuans, I am disappointed that the U.S. Department of State requested that I omit the word 'genocide' in the initial title I put forward for this hearing. The State Department requested a change in title based on the assertion that 'genocide' is a legal term.

Article 2 of the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG) defines genocide as "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; forcibly transferring children of the group to another group."

This definition of genocide under international law accurately describes the crimes against humanity perpetrated by Indonesia's military, whether the U.S. State Department agrees or not. But given U.S. complicity, it is little wonder that every Administration wishes to distance itself from this ugliness.

As Joseph Conrad wrote in his book *The Heart of Darkness*, "The conquest of the earth, which mostly means the taking it away from those who have a different complexion or slightly flatter noses than ourselves, is not a pretty thing when you look into it too much."

When you look into it too much, nothing about Indonesia's ruthless brutality or U.S. complicity is a pretty thing. In 2007, I led a Congressional Delegation (CODEL) to Indonesia on the personal promise of President SBY and Vice President Kalla that I would be granted 5 days to visit Biak, Manokwari, and, most importantly, Jayapura, in support of efforts to implement special autonomy that was approved by the government of Indonesia since 2001.

However, while enroute to Jakarta, I received word that the Indonesian government would only grant 3 days for my visit. Upon my arrival on November 25, 2007, I was informed

that I would be granted only 1 day and that I would not be allowed to visit Jayapura. As it played out, I was granted 2 hours in Biak and 10 minutes in Manokwari.

In Biak, I met with Governor Suebu, and other traditional, religious and local leaders hand-selected by the government. Other Papuans, like Chief Tom Beanal and Mr. Willie Mandowen were detained by the military until my office interceded. U.S. Ambassador Cameron Hume and I also had to make our way through a military barricade because Indonesia military forces (TNI) had blocked Papuans from meeting with me. For the record, I am submitting photos showing the excessive presence of military force.

In Manokwari, the military presence was even worse. Prior to my arrival in Manokwari, I was told that I would be meeting with the Governor only to learn upon my arrival that he was in China and had been there for the past 5 days. Ten minutes later, I was put on a plane while the TNI, in full riot gear, forcefully kept the Papuans from meaningful dialogue. At this time, I would like to share with my colleagues some video tape of my visit in 2007.

After this experience and upon my return to Washington, I wrote to President SBY expressing my disappointment but Jakarta never responded to my letter of December 12, 2007. On March 5, 2008, Chairman Donald Payne of the Foreign Affairs Subcommittee on Africa joined with me in sending another letter to President SBY which expressed our deep concern about Indonesia's misuse of military force. We included photographs and a DVD of my experience while in Biak and Manokwari. Again, Jakarta did not bother to reply.

On March 5, 2008, Chairman Payne and I also wrote to U.S. Secretary of Defense Robert Gates and included a copy of our letter to President SBY as well as the DVD and photographs. Despite the serious concerns we raised about Indonesia's failure to live up to its promises to allow Members of Congress access to Jayapura and our request to restrict funding to train Indonesia's military forces, his reply of April 2, 2008 was trite and indifferent, as if West Papua is of no consequence. He concluded his letter by erroneously stating, "TNI performance on human rights has improved dramatically." Copies of these letters as well as the photographs and DVD are included for the record.

Copies of our materials which we sent on March 6, 2008 to the House Committee on Foreign Affairs, the Senate Committee on Foreign Relations, the House and Senate Appropriations Subcommittees on State and Foreign Operations, the House Appropriations Subcommittee on Defense, and the Congressional Black Caucus are also included.

In March 2005, Chairman Payne and I wrote to Secretary General Kofi Annan asking for a review of the United Nations' conduct in West Papua. 35 other Members of Congress from the Congressional Black Caucus signed the joint letter and I am also submitting this letter for the record.

This year, Chairman Payne and I once more spearheaded an effort calling upon President Obama to deal fairly with the people of West Papua and to meet with the Team of 100 indigenous Papuan leaders during his upcoming visit to Indonesia. Although our letter of June 9, 2010 was signed by 50 Members of the U.S. Congress, the U.S. Department of State could not be

bothered to send us a thoughtful reply. Instead, we received a dismissive letter of August 11, 2010 signed by the Assistant Secretary of Legislative Affairs rather than the U.S. Secretary of State which sends a clear signal that this Administration may not be any different than any other in its response to addressing our grave concerns about West Papua. As a matter of record, I am including these letters.

Also, I am including a video that due to its sensitive subject matter I cannot and will not show. The video depicts the violent murder of a Papuan who was killed and gutted by the Indonesian Special Police Corp, or Brigade Mobil (BRIMOB), while the victim was still alive and pleading for someone to kill him in order to put him out of his misery. This isn't the only murder. The late Papuan leader Theys Hiyo Eluay was also savagely murdered, and the list of lost lives goes on and on.

As Chairman of this Subcommittee, I have been very, very patient. Yes, I realize the importance of the U.S.-Indonesia relationship. Indonesia is the most populous Muslim-majority nation in the world and the U.S. has a strong interest in reaching out to the Islamic world. But our own struggle against Islamist militancy should not come at the expense of the pain and killing and suffering of the people of West Papua. This is not the America I know.

We can and must do better. In his statement before the UN against Apartheid, Nelson Mandela said, "It will forever remain an accusation and challenge to all men and women of conscience that it took so long as it has before all of us stood up to say enough is enough." This is how I feel about West Papua.

It is my sincere hope that today's hearing will help us find a way forward. So far, Indonesia has failed miserably to implement Special Autonomy and, as a result, there is a sense of growing frustration among the Papuans, and rightfully so. According to CRS, "migration by non-Melanesian Indonesians from elsewhere in the nation appears to be a critical part of the mounting tensions. By some accounts Melanesian Papuans will be in the minority in their homeland by 2015."

While there is so much more I want to say about the commercial exploitation of West Papua's renowned mineral wealth which includes vast reserves of gold, copper, nickel, oil and gas and Freeport USA's own shameful role in this exploitation, I will address these issues in my questioning of our witnesses.

In conclusion, I want to thank Edmund McWilliams, a retired U.S. Senior Foreign Service Officer, who has been a long-time advocate for the people of West Papua. Mr. McWilliams was unable to be with us today but he has submitted testimony for the record which will be included.

I also want to welcome our Papuan leaders who have flown at considerable expense to testify before this Subcommittee. I presume none flew at the expense of the Indonesian government but we will find out during these proceedings. Most of the Papuan leaders who are with us today have lived the struggle. Others have only recently returned after living in Sweden for some 38 years. They have since returned home and reclaimed Indonesian citizenship but I

am unclear as to their role in a struggle they have given up or never fully lived. I hope we will be provided an explanation.